

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANTONIO KEATON,

Plaintiff, No. CIV S-03-0864 GEB CMK P

vs.

T. FELKER, et al.,

Defendants. ORDER

On September 8, 2005, plaintiff filed a “motion & declaration for appointment of counsel” and a “letter brief.” These documents were not served on defendants. Plaintiff is advised that every document submitted to the court for consideration must be served on defendants. Fed. R. Civ. P. 5. Documents not to be served electronically are usually served by placing a copy in the U.S. mail. If an attorney has filed a document with the court on behalf of any defendants, then documents submitted by plaintiff must be served on that attorney and not on the defendants. Every document submitted conventionally to the court (e.g., by a prisoner proceeding pro se) must include a certificate stating the date an accurate copy of the document was mailed to defendants or their attorney and the address to which it was mailed. See Local Rule 5-135(b) and (c).

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1 Accordingly, IT IS HEREBY ORDERED that plaintiff's September 8, 2005  
2 "motion & declaration for appointment of counsel" and "letter brief" are denied without  
3 prejudice. Plaintiff is cautioned that failure to properly serve any documents subsequently filed  
4 in this action, and failure to include a proper certificate of service with such filing, may result in  
5 a recommendation that this action be dismissed.

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7 DATED: September 13, 2005.

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10 CRAIG M. KELLISON  
11  
12 UNITED STATES MAGISTRATE JUDGE